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July 23, 2025

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VIA ECF

Honorable Judge Vernon S. Boderick
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 7/23/2025

The time to file a renewed motion for default judgment pursuant to the Court's Order, (Doc. 23), is adjourned *sine die* until the parties have completed discovery. The Clerk of the Court is respectfully directed to terminate Plaintiff's motion for default judgment at Doc. 19.

Re: Penn-Star Insurance Company v. Tiebout Heights, LLC., et al.,
Docket No: 1:25-cv-02829-VSB
Our File No: 25-111

Dear Judge Boderick:

We represent the plaintiff Penn-Star Insurance Company ('Penn-Star') and we write to Your Honor, with consent of all parties who have appeared in this matter in connection with your Order dated July 17, 2025, as to the parties that remain in default. Given that Tiebout Heights LLC ("Tiebout") has appeared and will participate in this case, we seek an extension of time to file the order to show cause until after we have conducted discovery.

This is a declaratory judgment action seeking a declaration that plaintiff Penn-Star has no obligation to defend or indemnify defendant Tiebout or any other party as to the claims asserted in the Underlying Action captioned Dominicana Santana v. Tiebout Heights LLC and Evan Roberts Management, pending in the Supreme Court State of New York, County of Bronx, under Index No. 807746/2023E. Tiebout is the insured on the policy issued by Penn-Star and the parties will proceed by discovery and likely thereafter file for summary judgment at the close of

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discovery. Thus, the merits of the case will be decided at that point and we will renew our request for judgment by default against the non-appearing defendants.

While we had previously filed for default judgment which was denied with leave to refile, the fact that Tiebout has now appeared changes the dynamic for the case. Thus, as noted above, Penn-Star now seeks a stay of the deadline to proceed for default as to the non-appearing parties Evan Robert Management and Dominicana Santana pending the completion of discovery with Tiebout. After the completion of discovery with Tiebout, Penn-Star will add the request for judgment by default to the motion papers when filing its motion on the merits with respect to Tiebout and follow the Court's direction/procedures.

Respectfully Submitted,

MIRANDA SLONE SKLARIN VERVENIOTIS LLP

A handwritten signature in black ink, appearing to read "Steven Verveniotes", written in a cursive style.

Steven Verveniotes

cc: All parties of record